

Jerome K. Elwell, State Bar No. 012669  
**WARNER ANGLE HALLAM**  
**JACKSON & FORMANEK PLC**  
3550 North Central Avenue, Suite 1500  
Phoenix, Arizona 85012-2188  
Telephone: (602) 264-7101  
Facsimile: (602) 234-0419

Attorneys for Francine Coles and Haley Brooke Coles

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

**AMERICAN GENERAL LIFE  
INSURANCE COMPANY, a Texas  
corporation,**

**Case No. CV 2:09-CV-01603-ROS**

## **ANSWER TO COMPLAINT IN INTERPLEADER**

Plaintiff,

VS.

**ASHLEY M. COLES**, as Trustee of the Ashley M. Coles Family Trust;  
**FRANCINE COLES**, an Arizona resident and both individually and a conservator of **Z. A. COLES** and **S. B. COLES** minors;  
**HALEY BROOKE COLES**, an Arizona resident; **JOHN** and **JANE DOE I-X**; and **BLACK** and **WHITE ENTITIES A-Z**.

### Defendants.

**FRANCINE COLES**, individually and as Conservator of **Z. A. COLES** and **S. B. COLES**, and **HALEY BROOKE COLES**, individually, (collectively “Defendants”), through counsel undersigned, hereby Answer the Complaint in Interpleader filed by **AMERICAN GENERAL LIFE INSURANCE COMPANY** (“American General”). In support of this Answer, the Defendants state as follows:

1. The allegations in Paragraph 1 are admitted.

- 1       2. The allegations in Paragraph 2 are admitted.  
2       3. The allegations in Paragraph 3 are admitted.  
3       4. The allegations in Paragraph 4 are admitted.  
4       5. The allegations in Paragraph 5 are admitted.  
5       6. The allegations in Paragraph 6 are admitted.  
6       7. The allegations in Paragraph 7 are admitted.  
7       8. The allegations in Paragraph 8 are admitted.  
8       9. The allegations in Paragraph 9 are admitted.  
9       10. The allegations in Paragraph 10 are admitted.  
10      11. The allegations in Paragraph 11 are admitted.  
11      12. The allegations in Paragraph 12 are admitted.  
12      13. The allegations in Paragraph 13 are admitted.  
13      14. With respect to the allegations in Paragraph 14, the Defendants are without  
14 sufficient information or belief to affirm or deny such allegations and accordingly deny the  
15 same.  
16      15. The allegations in Paragraph 15 are admitted.  
17      16. The allegations in Paragraph 16 are admitted.  
18      17. The allegations in Paragraph 17 are admitted.  
19      18. The allegations in Paragraph 18 are admitted.  
20      19. The allegations in Paragraph 19 are admitted.  
21      20. With respect to the allegations in Paragraph 20, the Defendants are without  
22 sufficient information or belief to affirm or deny the same and accordingly deny such  
23 allegations.  
24      21. With respect to the allegations in Paragraph 21, the Defendants admit that on  
25 or about June 1, 2008, **SCOTT M. COLES** (the “Decedent”) executed letters which,  
26 among other things, amended his revocable trust, his estate plan, and amended the  
27 beneficiary designation of the life insurance policy held through American General. While  
28 American General may not have received a copy of such letters, the Defendants deny that

the **ASHLEY M. COLES FAMILY TRUST** (“Ashley’s Trust”) remained a beneficiary of any life insurance policy obtained through American General. Any other allegation not specifically admitted is hereby denied.

22. With respect to the allegations in Paragraph 22, the Defendants are without sufficient information or belief to affirm or deny the same and accordingly deny such allegations. It is further denied that Ashley's Trust was a beneficiary of any life insurance policy obtained through American General.

23. The allegations in Paragraph 23 are admitted.

24. The allegations in Paragraph 24 are admitted.

25. The allegations in Paragraph 25 are admitted.

26. The allegations in Paragraph 26 are admitted.

27. With respect to the allegations in Paragraph 27, the Defendants are without sufficient information or belief to affirm or deny the same and accordingly deny such allegations.

28. With respect to the allegations in Paragraph 28, it is denied that Ashley's Trust has any interest in any insurance policy obtained by the Decedent through American General. Pursuant to the letters executed by the Decedent on or about June 1, 2008, all such insurance proceeds are payable to the Defendants in equal shares.

29. The allegations in Paragraph 29 are admitted.

**COUNT I**

## **(Interpleader)**

30. With respect to the allegations in Paragraph 30, the Defendants incorporate all previous admissions and denials as if fully stated herein.

31. With respect to the allegations in Paragraph 31, the Defendants deny that Ashley's Trust has any claim to the proceeds of any life insurance policy obtained by the Decedent from American General.

32. The allegations in Paragraph 32 are admitted.

33. The allegations in Paragraph 33 are admitted.

34. The allegations in Paragraph 34 are admitted.

35. The allegations in Paragraph 35 are admitted.

36. The Defendants reserve the right to assert any and all of the affirmative defenses outlined in Federal Rule of Civil Procedure 8(c) as discovery may prove applicable.

**WHEREFORE**, the Defendants request Judgment as follows:

A. Directing the payment of reasonable attorneys' fees and costs incurred by American General in bringing the Interpleader Complaint;

B. Directing the payment of the life insurance policy proceeds and interest thereon held by American General to each of the four Defendants by payment of the same to their attorney's IOLTA trust account of Warner Angle Hallam Jackson & Formanek PLC;

C. Directing American General to issue Internal Revenue Service Form 712's to each of the four Defendants indicating distribution of the life insurance proceeds in equal shares; and,

D. Entering any other relief the Court deems appropriate under the circumstances.

**RESPECTFULLY SUBMITTED** this 18<sup>th</sup> day of August, 2009.

## **WARNER ANGLE HALLAM JACKSON & FORMANEK PLC**

By: /s/ Jerome K. Elwell

Jerome K. Elwell, Esq.

3550 North Central Ave., Suite 1500

Phoenix, Arizona 85012-2188

## Attorneys for Defendants